

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Agency

Department of Social Services

Subject

Title IV-D Child Support Enforcement Actions

Inclusive Sections

§§ 52-362d-1—52-362d-5

CONTENTS

Sec. 52-362d-1.	Definitions
Sec. 52-362d-2.	Child support liens
Sec. 52-362d-3.	Reporting overdue support to consumer reporting agency
Sec. 52-362d-4.	Withholding of lottery winnings
Sec. 52-362d-5.	Seizure of financial assets

Title IV-D Child Support Enforcement Actions

Sec. 52-362d-1. Definitions

As used in sections 52-362d-1 through 52-362d-5, inclusive:

(1) “Defense” means any reason in law or fact offered by the obligor to alter or prevent the enforcement action proposed by the department. Such defenses include, but are not limited to, the following:

(A) the person identified as a child support obligor is a case of mistaken identity,

(B) the amount of past-due or overdue support is less than the minimum amount required for the proposed enforcement action, and

(C) there is no support order in effect, and there never was.

(2) “Delinquency” means the total of all payments on current and past-due support orders which have become due and payable and remain unpaid.

(3) “Enforcement action” means any of the methods regulated by sections 52-362d-1 through 52-362d-5, inclusive, and 52-362e-1 through 52-362e-3, inclusive, of the Regulations of Connecticut State Agencies to encourage or compel the payment of support in a IV-D case.

(4) “Fair hearing” means the adjudicative proceeding conducted by the department in accordance with section 17b-60 of the Connecticut General Statutes.

(5) “Notice of action” means a written statement mailed to the obligor that informs the obligor of the nature of the enforcement action, the right to a prehearing review and a fair hearing, the method and timeframes for requesting such review or hearing, and a list of available defenses to such enforcement action.

(6) “Obligor” means the individual required to make payments under a current or past-due support order who may be subject to an enforcement action.

(7) “Past-due support” shall have the meaning given to it under section 52-362j of the Connecticut General Statutes.

(8) “Prehearing review” means an informal hearing or investigation conducted by SED. Such review shall be conducted at the request of an obligor who has been mailed a notice of action to determine the appropriateness of an enforcement action.

(Effective November 28, 1994; Amended June 8, 1998; Amended July 10, 2000; Amended May 24, 2004)

Sec. 52-362d-2. Child support liens

(a) When appropriate

A lien on the real or personal property of an obligor to enforce payment of past-due support may be secured in any IV-D case provided:

(1) the total amount of such past-due support is at least \$500.00 on any one or a combination of IV-D accounts in a case for which the obligor is responsible;

(2) a notice of action is mailed to the obligor prior to securing the lien;

(3) the obligor is given an opportunity for a fair hearing prior to securing the lien; and

(4) in the case of personal property, the value of the obligor’s interest in the property is

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

§52-362d-3

Department of Social Services

at least \$1,000.00.

(b) **Procedure**

(1) Notice of action

When a case that may be appropriate for placement of a lien is identified by the department, a notice of action shall be mailed to the obligor by the department.

(2) Prehearing review

The lien shall not be secured if the results of a prehearing review indicate that the case is not appropriate for placement of a lien.

(3) Fair hearing

If a fair hearing is not requested, the lien may be secured no earlier than sixty days after the mailing date of the notice of action. If a fair hearing is requested, the lien shall not be secured unless the fair hearing is denied or dismissed, or a decision which upholds the lien is rendered.

(4) Securing

(A) Real property

To secure a lien on real property, the IV-D agency shall file a certificate of lien in the records of the town or towns in which the property is located.

(B) Personal property

To secure a lien on personal property, the IV-D agency shall follow the procedures contained in the General Statutes applicable to the type of property to be secured.

(5) Release

The IV-D agency shall prepare and mail to the obligor a release of lien when the obligor's past-due support debt is settled to the satisfaction of such agency.

(Effective November 28, 1994; Amended June 8, 1998)

Sec. 52-362d-3. Reporting overdue support to consumer reporting agency

(a) **Definitions**

As used in this section:

(1) "CRA" means consumer reporting agency (commonly known as "credit bureau"); a private company which collects, classifies, and distributes information to merchants, lending institutions, collection agencies, or public agencies involved in granting credit or collecting on an account.

(2) "Overdue support" shall have the meaning given to it under section 52-362j of the Connecticut General Statutes.

(3) "Participating" means, with respect to a CRA, one which has consented in writing to the procedures established by the department for the reporting of overdue support in accordance with subsection (b) of section 52-362d of the Connecticut General Statutes, and agreed to receive and act on such information in compliance with all applicable laws and regulations of the state of Connecticut.

(b) **Submittal criteria**

(1) In general

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Department of Social Services

§52-362d-3

Submittal to a participating CRA of information regarding the amount of overdue support owed by an obligor in a IV-D case is appropriate provided:

- (A) the total amount of overdue support is at least \$1,000.00 in such case,
- (B) a notice of action is mailed to the obligor prior to reporting any information to a CRA, and
- (C) the obligor is given an opportunity for a fair hearing prior to reporting any information to a CRA.

(2) Exception

Notwithstanding subdivision (1) of this subsection, overdue support information shall not be reported under this section if a court or family support magistrate makes a specific finding that such information shall not be reported.

(c) **Procedure**

(1) List of obligors

On a monthly basis, the department shall compile a list of all obligors who owe overdue support of at least \$1,000.00 on any one case.

(2) Notice of action

The department shall mail to each obligor identified in accordance with subdivision (1), above, whose information has not already been reported to a CRA, a notice of action which complies with the provisions of subsection (b) of section 52-362d of the Connecticut General Statutes, provided the obligor has not previously received a notice of action concerning the proposed reporting.

(3) Prehearing review

Information shall not be reported to a CRA if the results of a prehearing review indicate that the case is not appropriate for such action.

(4) Fair hearing

If a fair hearing is not requested, information shall be reported no earlier than sixty days after the mailing date of the notice of action. If a fair hearing is requested, information shall not be reported unless the fair hearing is denied or dismissed, or a decision which upholds the proposed reporting is rendered.

(5) Reporting

(A) Initial submittal

The department shall report to any participating CRA in accordance with the provisions of a signed letter of agreement information regarding past-due and overdue support owed by obligors whose cases meet the submittal criteria identified in subsection (a) of this section.

(B) Monthly update

On a monthly basis, the department shall provide to each CRA that received an initial submittal updated information concerning each reported obligor.

(C) Confidentiality

No identifying information concerning the family to whom or for whom support is owed shall be reported to any CRA.

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

§52-362d-4

Department of Social Services

(6) Information verification

(A) CRA requests

BCSE central office staff shall receive and respond within five working days to requests from CRAs for verification of information supplied to such CRAs.

(B) Obligor requests

The local BCSE or SED office shall receive and respond within five working days to requests from obligors for verification of information supplied to a CRA. Such offices shall also provide, at the obligor's request and upon satisfactory verification, a statement that such obligor is no longer in arrears.

(Effective November 28, 1994; Amended June 8, 1998; Amended July 10, 2000)

Sec. 52-362d-4. Withholding of lottery winnings

(a) **Definitions**

As used in this section:

(1) "Connecticut Lottery Corporation" means the entity created under Section 12-802 of the Connecticut General Statutes for the purposes set forth in Sections 12-563a and 12-800 to 12-818, inclusive, of the Connecticut General Statutes.

(2) "Lottery" means any lottery game conducted by the Connecticut Lottery Corporation pursuant to the powers enumerated in Section 12-806 of the Connecticut General Statutes.

(b) **When appropriate**

Withholding of an obligor's lottery winnings for unpaid child support is appropriate in any IV-D case provided the obligor is notified of the withholding and is given an opportunity for a fair hearing to contest the amount of such withholding.

(c) **Procedure**

(1) Request for withholding

When a case that is appropriate for the withholding of lottery winnings is identified by the department, the commissioner shall request the Connecticut Lottery Corporation to withhold from the obligor's lottery winnings the amount of the obligor's unpaid child support. Such request shall provide instructions for payment of any amounts so withheld.

(2) Notification

The department shall notify the obligor of the request for withholding. The notice shall inform the obligor of the amount of unpaid child support, the right to a fair hearing to contest such amount, the method and timeframe for requesting such a hearing, and defenses to such withholding.

(3) Fair hearing

If a fair hearing is requested, withheld amounts shall not be applied to the obligor's unpaid child support obligations unless the fair hearing is denied or dismissed, or a decision which upholds the withholding is rendered.

(4) Application of withheld amounts

Subject to subdivision (3), above, all withheld amounts shall be applied to the obligor's unpaid child support obligations, provided that non-assistance obligations are satisfied from

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Department of Social Services

§52-362d-5

such amounts prior to the satisfaction of any amounts due the state.

(5) **Annual update**

Where winnings are withheld annually pursuant to a request in accordance with this section, the commissioner shall notify the Connecticut Lottery Corporation prior to the annual payment date of any reduction in the child support debt attributable to collections obtained in any manner other than the withholding of lottery winnings.

(Effective November 28, 1994; Amended June 8, 1998)

Sec. 52-362d-5. Seizure of financial assets

(a) **Notice of action**

The IV-D agency shall mail a notice of action to the obligor whenever it notifies an agency, person, institution, or entity, pursuant to subsection (d) of section 52-362d of the Connecticut General Statutes, that such obligor owes overdue support in a IV-D support case.

(b) **Right to a fair hearing**

The department shall provide a fair hearing to any obligor who requests one in accordance with section 17b-60 of the Connecticut General Statutes in response to a notice of action under subsection (a) of this section.

(Effective June 8, 1998)

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Agency

Department of Social Services

Subject

Title IV-D Child Support Enforcement Actions

Inclusive Sections

§§ 52-362e-1—52-362e-3

CONTENTS

Sec. 52-362e-1.	Definitions
Sec. 52-362e-2.	Withholding of federal income tax refunds
Sec. 52-362e-3.	Withholding of state income tax refunds

Title IV-D Child Support Enforcement Actions

Sec. 52-362e-1. Definitions

All definitions in section 52-362d-1 of the Regulations of Connecticut State Agencies shall apply to sections 52-362e-1 through 52-362e-3, except as otherwise indicated in this section. As used in sections 52-362e-1 through 52-362e-3:

(a) “DAS” means the Connecticut Department of Administrative Services; the agency authorized to transmit the Department’s requests for the withholding of state income tax refunds to the Connecticut Department of Revenue Services.

(b) “Defense” means those described in subdivision (1) of section 52-362d-1 of the Regulations of Connecticut State Agencies in addition to, but not limited to, the following:

(1) the persons for whom BCSE is collecting child support did not legally assign their support rights to the state or apply for IV-D services;

(2) the child support debt assigned to the state was discharged by a U.S. bankruptcy court at a time when federal law allowed for such debt to be discharged in bankruptcy; and

(3) the defense created by section 52-362h of the Connecticut General Statutes.

(c) “Distribution” means the allocation and payment of child support collections to individuals and/or the State of Connecticut.

(d) “IRS” means the U.S. Internal Revenue Service.

(e) “Qualified child” means a child who is a minor as of December 31 of the year in which the case is submitted for the withholding of a federal income tax refund or one who, while a minor, was determined to be disabled under title II or XVI of the Social Security Act, and for whom a support order is in effect.

(f) “OCSE” means the Office of Child Support Enforcement within the U.S. Department of Health and Human Services; the agency authorized to transmit state IV-D agency requests for the withholding of federal income tax refunds to the IRS.

(Effective June 1, 1993; Amended June 8, 1988)

Sec. 52-362e-2. Withholding of federal income tax refunds

(a) When appropriate

The withholding of an obligor’s federal income tax refund for the collection of past-due support is appropriate provided, in IV-D assistance cases, the criteria of subdivisions (1) and (2) of this subsection are met, and, in IV-D non-assistance cases, the criteria of subdivisions (1) and (3) of this subsection are met.

(1) General criteria

The following criteria shall be met in all cases submitted to OCSE for withholding:

(A) A notice of action shall be mailed to the obligor prior to submittal.

(B) The obligor shall be given an opportunity for a fair hearing prior to submittal.

(C) BCSE or a cooperating agency shall have in its records a payment record and a copy of the support order and any modifications upon which the amount submitted for withholding is based which documents specify the date of issuance and the amount of support.

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

§52-362e-2

Department of Social Services

(D) Before submittal, BCSE or a cooperating agency shall verify the accuracy of the name and social security number of the obligor and the accuracy of the past-due support amount; provided, if such information was verified previously, it need not be reverified.

(2) Criteria for assistance cases

The following criteria shall be met in assistance cases submitted to OCSE for withholding:

(A) The combined amount of past-due support for all accounts shall be at least \$150.00, regardless of the status of payments on any court-ordered pay plan to reduce such past-due support.

(B) The support shall be past-due for three months or longer.

(3) Criteria for non-assistance cases

The following criteria shall be met in non-assistance cases submitted to OCSE for withholding:

(A) The support shall be owed to or on behalf of a qualified child, or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent.

(B) The combined amount of past-due support for all accounts shall be at least \$500.00, regardless of the status of payments on any court-ordered pay plan to reduce such past-due support.

(C) BCSE or a cooperating agency shall have in its record the custodial party's current address.

(D) If an assistance arrearage exists with respect to the non-assistance individual or family, such arrearage shall be submitted for withholding if the criteria in subdivision (2) of this subsection are met.

(b) **Procedure**

(1) Notice of action

At least three months prior to final submittal to OCSE, the department shall mail a notice of action to all obligors identified for potential withholding.

(2) Prehearing review

The obligor's name shall not be submitted for IRS withholding if the results of a prehearing review indicate that the case is not appropriate for such action.

(3) Fair hearing

(A) Intrastate cases

If a fair hearing is not requested, the obligor's name shall be submitted for IRS withholding no earlier than three months after the mailing date of the notice of action. If a fair hearing is requested, submittal shall not be made unless the fair hearing is denied or dismissed, or a decision which upholds the proposed withholding is rendered prior to the department's submittal to OCSE.

(B) Interstate cases

In interstate cases where the obligor resides in another state, the obligor may request a fair hearing from this state or from the state with the order upon which the referral for

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Department of Social Services

§52-362e-3

withholding is based. Requests for a hearing from the state with the order must be made through this state.

(4) Submittal to OCSE

The department shall submit to OCSE no later than the deadline specified in OCSE program instructions the names of all obligors whose cases are appropriate for submittal. The submittal to OCSE shall be accompanied by a certification of the director of BCSE and all other information required by OCSE.

(5) Distribution of withheld amounts

(A) Payment to state

Amounts withheld shall be applied first to satisfy past-due support assigned to the state and certified for withholding.

(B) Payment to family

Any excess after payment to the state shall be applied to satisfy past-due support certified for withholding and owed to the non-assistance family. A fee of \$15.00 for each name certified in non-assistance cases shall be deducted from such excess prior to distribution to the family, provided there is a successful withholding. The custodial party shall be obligated to repay the state for any withheld amounts received that are subsequently found to be erroneous, in excess of the amount owed at time of distribution, or refunded by the IRS to a non-obligated spouse in cases where the withholding is based on a joint return.

(C) Refund to obligor

If the amount withheld is in excess of the amount owed at time of distribution, the excess shall be refunded to the obligor, or jointly to the parties filing a joint return.

(D) Special rule for joint returns

If withholding is made to satisfy non-assistance past-due support from a refund based on a joint return, the department may delay distribution until notified that the non-obligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of withholding, whichever is earlier.

(Effective November 28, 1994; Amended June 8, 1998)

Sec. 52-362e-3. Withholding of state income tax refunds

(a) When appropriate

The withholding of an obligor's state income tax refund for the collection of past-due support is appropriate provided, in IV-D assistance cases, the criteria of subdivisions (1) and (2) of this subsection are met, and, in IV-D non-assistance cases, the criteria of subdivisions (1) and (3) of this subsection are met.

(1) General criteria

The following criteria shall be met in all cases submitted to DAS for the withholding of a state income tax refund:

(A) A notice of action shall be mailed to the obligor prior to submittal.

(B) The obligor shall be given an opportunity for a fair hearing prior to submittal.

(C) Before submittal, BCSE or a cooperating agency shall verify the accuracy of the

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

§52-362e-3

Department of Social Services

past-due support amount; provided, if such information was verified previously, it need not be reverified.

(2) Criterion for assistance cases

The combined amount of past-due support for all accounts shall be at least \$150.00 in assistance cases submitted to DAS for the withholding of a state income tax refund.

(3) Criterion for non-assistance cases

The combined amount of past-due support for all accounts shall be at least \$500.00 in non-assistance cases submitted to DAS for the withholding of a state income tax refund.

(b) **Procedure**

(1) Notice of action

At least sixty days prior to submittal to DAS, the department shall mail a notice of action to all obligors identified for potential withholding.

(2) Prehearing review

The obligor's name shall not be submitted to DAS if the results of a prehearing review indicate that the case is not appropriate for such action.

(3) Fair hearing

If a fair hearing is requested, submittal shall not be made unless the fair hearing is denied or dismissed, or a decision which upholds the proposed withholding is rendered prior to the department's submittal to DAS.

(4) Submittal to DAS

Subject to subdivisions (2) and (3) of this subsection, the obligor's name shall be submitted to DAS no earlier than sixty days after the mailing date of the notice of action. The department shall submit to DAS the names of all obligors whose cases are appropriate for submittal.

(5) Submittal updates

Following the initial submittal, the department shall submit to DAS periodic updates of the amount of past-due support owed by those obligors whose names were submitted for withholding.

(6) Distribution of withheld amounts

(A) In general

Withheld amounts shall be distributed in accordance with subsection (c) of Section 52-362e of the Connecticut General Statutes and applicable federal law and regulations.

(B) Repayment by custodial party

The custodial party shall be obligated to repay the state for any withheld amounts received that are subsequently found to be erroneous, in excess of the amount owed at time of distribution, or refunded by the Department of Revenue Services to a non-obligated spouse in cases where the withholding is based on a joint return.

(C) Refund to obligor

If the amount withheld is in excess of the amount owed at time of distribution, the excess shall be refunded to the obligor, or jointly to the parties filing a joint return.

(D) Special rule for joint returns

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Department of Social Services

§52-362e-3

If withholding is made to satisfy non-assistance past-due support from a refund based on a joint return, the department may delay distribution until notified that the non-obligated spouse's proper share of the refund has been paid or for a period not to exceed six months from notification of withholding, whichever is earlier.

(Effective November 28, 1994; Amended June 8, 1998)

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Agency

Department of Banking

Subject

Execution Against Debts Due from Banking Institutions

Section

§ 52-367a-1

CONTENTS

Sec. 52-367a-1. Designation of employee and branch office

Execution Against Debts Due from Banking Institutions

Sec. 52-367a-1. Designation of employee and branch office

Each banking institution shall, within thirty (30) days of the effective date of these regulations, file or cause to be filed with the secretary of the state a written designation of a branch office for each county in which such banking institution has one or more branch offices, other than the county in which its main office is located, and the names of an employee and such person when such employee is absent therefrom upon whom executions may be served and demand may be made. Any changes in the designations of such branch offices or such employees shall be immediately filed with the secretary of the state.

(Effective May 9, 1984)

Regulations of Connecticut State Agencies

TITLE 52. Civil Actions

Agency

Department of Banking

Subject

Execution Against Debts Due from Banking Institutions

Section

§ 52-367b-1

CONTENTS

Sec. 52-367b-1. Designation of employee and branch office

Execution Against Debts Due from Banking Institutions

Sec. 52-367b-1. Designation of employee and branch office

Each banking institution shall, within thirty (30) days of the effective date of these regulations, file or cause to be filed with the secretary of the state a written designation of a branch office for each county in which such banking institution has one or more branch offices, other than the county in which its main office is located, and the names of an employee and such person when such employee is absent therefrom upon whom executions may be served and demand may be made. Any changes in the designations of such branch offices or such employees shall be immediately filed with the secretary of the state.

(Effective May 9, 1984)